

**REMARKS**

Applicants respectfully request reconsideration of this Patent Application in view of the following remarks.

**Election/Restrictions**

The Examiner has required election of one of the following alleged patentably distinct species:

- Species 1: a containment sheet at least partially disposed between the absorbent core and the outer cover; and
- Species 2: a containment sheet adjacent to the body-side liner.

The Examiner further requires election of one of the following subspecies:

- Subspecies 1: at least one treated region; and
- Subspecies 2: at least two treated regions.

The Examiner states no claim is generic.

Applicants respectfully disagree with the Examiner's above identification of species, and assert the Restriction Requirement should be withdrawn. Applicants note independent Claim 1 recites "a containment sheet at least partially disposed between at least one of the body-side liner and the absorbent core and the absorbent core and the outer cover." Applicants believe the recited "containment sheet at least partially disposed between ... the body-side liner and the absorbent core" in Claim 1 is generic to Species 2, as a containment tissue that is adjacent to the body-

side liner would also be between the body-side liner and the absorbent core. Claim 1 is thus generic to both Species 1 and 2. Claim 1 is also generic to withdrawn independent Claim 73, which recites a containment tissue that is both adjacent to the body-side liner and wrapped around the absorbent core. As Claim 1 is generic to Species 1 and 2, and Claims 73-89 have already been withdrawn by the Examiner, the identification of Species 1 and 2 appears to be incorrect, or at best redundant (previously withdrawn Claim 73 is also generic to the above identified Species 1 and 2). Applicants respectfully assert the Restriction Requirement be withdrawn.

Applicants further assert that identified subspecies 1 is generic to identified subspecies 2. To have “at least two treated regions” there must be at least one treated region. Therefore Applicants respectfully assert the identification of Subspecies 1 and 2 is incorrect. Applicants respectfully assert the Restriction Requirement be withdrawn.

Applicants hereby elect, with traverse, Species 2 and Subspecies 1 for prosecution on the merits. Claims 1-72, and 90-100 read on the elected species and subspecies. As noted above, previously withdrawn Claims 73-89 also read on the elected Species 2 and Subspecies 1.

Serial No.: 10/032,805

Docket No.: KCC-16,044

### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark D. Swanson  
Regis. No. 48,498

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
(847) 490-1400  
FAX (847) 490-1403